

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road,
310' NW of the c/l Gardenia Road * DEPUTY ZONING COMMISSIONER
(4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Thomas L. Sargent and * Case Nos. 95-304-SPH and
Thomas O. Frech - Petitioners * 95-311-A

* * * * *

SECOND AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the Brookhurst community in Perry Hall. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) was applicable to the subject property, or if Building Permit No. B-214274 which had been issued to the property owner, Thomas O. Frech, for a proposed dwelling on the subject site was in compliance with applicable zoning regulations, policies or the C.M.D.P. The owner of the property simultaneously filed a Petition for Variance in Case No. 95-311-A seeking a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit development of the subject property in accordance with Building Permit No. B-214274 and the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

WHEREAS, a public hearing was held on April 10, 1995 at which numerous individuals appeared in opposition to the Petition for Variance filed by the owner of the property. Inasmuch as the property owner had filed a Petition for Variance, and in view of the opposition expressed at

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Date 5/31/95
By [Signature]

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the hearing, the Petition for Special Hearing was dismissed as moot, and the Petition for Variance was denied by my Order issued April 25, 1995.

Thereafter, Counsel for the property owner filed a Motion for Reconsideration in Case No. 95-311-A, and requested approval of the previously requested variance from Section 1B01.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet which would allow a full-sized window to be placed on the north side of the proposed dwelling, opposite the Protestant's home and facing a wooded buffer area. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing. While the testimony of the residents in this community was clear that they are adamantly opposed to a variance being granted for windows on Mr. Sargent's side of the proposed dwelling, I believed the granting of a variance for the window on the tract boundary side met the spirit and intent of the zoning regulations and would not result in any detriment to the health, safety or general welfare of the surrounding locale. By Amended Order dated May 17, 1995, the Motion for Reconsideration was granted.

Subsequent to the issuance of my Amended Order, I received letters from the adjoining property owners on both sides of the subject site, namely, Mr. Thomas Sargent and Mr. C. F. Walter, both of whom voiced strong opposition to the variance granted by my Amended Order. Furthermore, it was apparent from the tone of the letters submitted that these residents have a strong dislike for the builder of this house. As noted in their correspondence, the variance requested for this window is a matter of

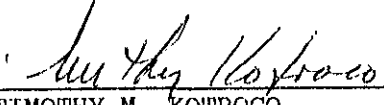
preference and not a necessity and compliance with the B.C.Z.R. should be maintained. At the time the Amended Order was granted, I believed that there was no opposition to the window that faced the tract boundary, which is the side of the house farthest removed from the Protestant's home.

After due consideration of the arguments presented in the Protestants' correspondence, it is clear that I must reconsider my decision in the Amended Order and am compelled to rescind the relief granted in same.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby RESCINDED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be DENIED; and,

IT IS FURTHER ORDERED that there shall be no further reconsiderations in this matter.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kampske, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

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By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE - N/S Camellia Road, *
 310' NW of the c/l Gardenia Road * DEPUTY ZONING COMMISSIONER
 (4422 Camellia Road)
 11th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District *
 Thomas L. Sargent and * Case Nos. 95-304-SPH and
 Thomas O. Frech - Petitioners * 95-311-A

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

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By

5/17/95
 [Signature]

dwelling on the subject property, in accordance with the site plan submitted into evidence as Petitioner's Exhibits 1.

WHEREAS, a public hearing was held on April 10, 1995 at which the legal owner of the property and Petitioner in Case No. 95-311-A, the adjoining property owner and Petitioner in Case No. 95-304-SPH, and numerous other residents appeared and testified. Inasmuch as the property owner had filed a Petition for Variance, the Petition for Special Hearing was dismissed as moot; however, the Petition for Variance relief was denied by my Order issued April 25, 1995.

WHEREAS, subsequent to the issuance of my Order, Counsel for the property owner filed a Motion for Reconsideration as to the Petition for Variance filed in Case No. 95-311-A, and requested approval of the variance relief sought from Section 1B01.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing.

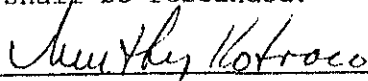
After due consideration of the argument presented, and a review of the case file, I am persuaded to grant the Motion for Reconsideration. It is to be noted that the Protestant in this matter enjoys a full-sized window on the side of his dwelling facing a tract boundary. Furthermore, the relief requested for the proposed dwelling is on the tract boundary side of the property facing a wooded buffer area between this development and an adjacent subdivision. While the testimony of the other residents in this community was clear that they are adamantly opposed to any variance

being granted for this property, the relief requested is for a window on the side of the dwelling not facing another adjoining residence. It appears that the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding locale and should therefore be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
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Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; Case File

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IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road,
310' NW of the c/l Gardenia Road * DEPUTY ZONING COMMISSIONER
(4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Thomas L. Sargent and * Case Nos. 95-304-SPH and
Thomas O. Frech - Petitioners * 95-311-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

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dwelling on the subject property. This property and relief sought are more particularly described on the site plans submitted in the respective cases, which were marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition for Special Hearing were Thomas L. Sargent, adjoining property owner, his attorney, Anthony J. DiPaula, Esquire, and numerous other residents of the surrounding community. Appearing on behalf of the Petition for Variance were Thomas O. Frech, legal owner of the property, his attorney, David Meadows, Esquire, and Rick Chadsey, Professional Engineer with George W. Stephens, Jr. & Associates, Inc. Also appearing on behalf of the Petition for Variance were the Contract Purchasers, Ms. Marie McCoy and Mr. Jasper Johnson.

At the onset of the hearing on these matters, a discussion ensued as to whether the Petition for Special Hearing was necessary, given the fact that the owner of the property filed the Petition for Variance seeking relief from the same regulations that Mr. Sargent argues are applicable to this property. It was subsequently determined that the Petition for Variance would address the issues raised within the Petition for Special Hearing and as such, the Petition for Special Hearing was no longer necessary and would be dismissed as moot. The hearing then proceeded on the Petition for Variance.

Appearing and testifying in support of the Petition for Variance was Mr. Rick Chadsey, Professional Engineer. Testimony and evidence offered revealed that the subject property consists of 0.219 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioner wishes to develop the site with a single family dwelling in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1. The proposed dwelling will be a two-story home with an attached two-car

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garage. Because the Contract Purchasers desire windows on the sides of the dwelling, the requested variances are necessary. More specifically, the Contract Purchasers want full-sized windows, including a bay window, on the south side wall of the dwelling facing Mr. Sargent's home. Testimony indicated that at the present time, only small windows, the sill of which will be located 5 feet above the floor in any given room on the south wall of this dwelling, are permitted. Apparently, as Mr. Chadsey testified, the C.M.D.P. regulations which were in effect from 1971 to 1992 and are applicable to this subdivision, do not permit full-sized windows to exist on the sides of this home, given its close proximity to the property line and the home of the adjoining owner. Testimony indicated that the dwelling itself meets all other setback requirements. However, in order to install the full-sized windows desired by the Contract Purchasers, the variances are necessary in order to proceed with development.

Appearing in opposition to the relief requested was the adjoining property owner, Mr. Thomas Sargent, who resides immediately adjacent to the site at 4420 Camellia Road. Mr. Sargent testified that he is adamantly opposed to full-sized windows being installed in the south wall of the proposed dwelling in that they would directly infringe upon the privacy he currently enjoys in his home. The site plan entered into evidence as Petitioner's Exhibit 1 shows that the rear of Mr. Sargent's home is located 20 feet from his rear property line, which is the side property line shared with the subject property. Mr. Sargent testified that the most useable living space is located in the rear of his home, that is the family room, a bathroom, etc., which have full-sized windows. He believes that full-sized windows in the proposed dwelling would allow those resi-

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dents to have a direct view into the rear of his home, which would be a gross intrusion into his privacy.

Furthermore, Mr. Sargent testified that no other homes in the Brookhurst subdivision contain full-sized windows in the sides. In fact, Mr. Sargent asked Mr. Frech whether he could have full-sized windows in his own home at the time of construction and was told that he could not. In addition, other neighborhood residents testified that they were denied the privilege of having full-sized windows on the sides of their homes. The corroborative testimony of the Protestants was that they would like to see the same rules and regulations applied to the subject property as was applied to their respective properties. Clearly, all of the residents in attendance were adamantly opposed to full-sized windows being permitted in the side walls of the proposed dwelling.

After due consideration of the testimony and evidence offered by both the Petitioners, the residents who reside in this community, and the Contract Purchasers of the subject lot, it appears the relief requested must be denied. I find that the Petitioners have failed to satisfy the burden imposed upon them in order to grant the variance. It was clear from the testimony that the desire for full-sized windows on the sides of the proposed dwelling is not out of necessity but is more of a matter of preference. Furthermore, there was no evidence or testimony offered to substantiate or justify the granting of a variance for full-sized windows on the south side of the subject dwelling.

It should also be noted that subsequent to the hearing in this matter, Counsel for the Petitioner submitted a request for withdrawal of the window to window setback of 20 feet in lieu of the required 40 feet to permit full-sized windows in the sides of the dwelling, and the window to

lot line setback of 5 feet in lieu of the required 15 feet for the proposed bay window on the south side of the dwelling. It is clear that the Petitioners have requested a withdrawal of these two variances in an effort to ease tensions in the neighborhood. However, the testimony and evidence offered by all of the residents who appeared in opposition to this request was clear that they are opposed to the granting of any variances in this matter. Furthermore, as noted above, there was insufficient testimony or evidence offered to prove that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship for the Petitioners. Therefore, the relief requested in the Petition for Variance must be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

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requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed dwelling on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance

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with applicable zoning regulations, policies or the C.M.D.P., be and is hereby DISMISSED AS MOOT.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

April 25, 1995

(410) 887-4386

David Meadows, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Camellia Road, 310' NW of the c/l Gardenia Road
(4422 Camellia Road)
11th Election District - 5th Councilmanic District
Thomas L. Sargent and Thomas O. Frech - Petitioners
Case Nos. 95-304-SPH and 95-311-A

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed as moot and the Petition for Variance denied has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire,
Covahey & Boozer, 604 Bosley Avenue, Towson, Md. 21204

Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236
Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kempske, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4422 Camellia Road

which is presently zoned DR.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should ~~approve~~ ⁶

Review the permit number B214274 issued to the above property. At issue is whether Section V.B.6.c, CMDP is applicable or if the permit is in compliance with applicable zoning regulations, policies or CMDP.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

State

Zipcode

Legal Owner(s) ~~Applicant~~ / Protestant

THOMAS L. SARJENT
(Type or Print Name)

Thomas L. Sargent
Signature

(Type or Print Name)

Signature

4420 CAMELLIA RD

Address

Phone No

BALTIMORE MD 21236
City State Zipcode

Name, Address and phone number of representative to be contacted

above
Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

MDK/AT

DATE 3/2/95

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Date

By



ITEM #301

95-304-SRH

ZONING DESCRIPTION

4422 Camellia Road

Beginning on the north side of Camellia Road, 50 feet wide, at the distance of 310 feet northwest of the centerline of Gardenia Road. Being lot 10 of the Final Development Plan of Brookhurst, Section Two. Also known as 4422 Camellia Road, containing .20 acres +/- in the 11th Election District, 5th Councilmanic District.



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-304-SR

Account: R-001-6150

Number

Date 3/2/95

Taken In By: JMK
Item Number: 301

Protestant Sargent, Thomas
4422 Camellia Road

D30 - Special Heavy - Protest
Building Permit \$50.00

No advertising

Total - \$50.00

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MAR 3 1995

02A02#0007MICHRC
BA C003:48FND3/02/95

\$50.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-304-SPH (Item 301)
4422 Camellia Road
N/S Camellia Road, 310' NW of c/1 Gardenia Road
11th Election District - 5th Councilmanic
Petitioner/Protestant: Thomas L. Sargent
HEARING: MONDAY, APRIL 10, 1995 at 9:00 a.m. in Room 118 Old Courthouse.

Special Hearing to review the permit number B-214274 issued to 4422 Camellia Road to determine whether Section V.B.6.c, CMDP is applicable or if the permit is in compliance with applicable zoning regulations, policies or CMDP.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas L. Sargent
Frech Homes Inc.
David Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 29, 1995

Mr. Thomas L. Sargent
4422 Camellia Road
Baltimore, Maryland 21236

RE: Item No.: 301
Case No.: 95-304-SPH
Petitioner: T. L. Sargent

Dear Mr. Sargent:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Carl Richards, Jr.", written over the word "Sincerely,".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 22, 1995

SUBJECT: 4422 Camelia Road

INFORMATION:

Item Number: Combined Comments Item Nos. 301 & 311

Petitioner: Frech/Sargent

Property Size: .219 acre

Zoning: D.R.- 5.5

Requested Action: Special Hearing and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Mr. Thomas L. Sargent has filed a Special Hearing to determine whether permit number B214274 (building permit for 4422 Camellia Road) meets applicable zoning regulations and the policies of the CMDP. The owner of the lot, Thomas G. Frech, has filed a Variance to address the issues raised by Mr. Sargent; therefore, no comment is offered regarding the Special Hearing.

However, regarding the requested Variance, it is clear that the petitioner will need to satisfy the burden imposed upon him to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Keene

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 20, 1995
Zoning Administration and Development Management

FROM: *fw* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 20, 1995
Items 297, 299, 301, 302 and 303

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3/20/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/13/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 296
298
299
300
301 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/10/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 13, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 296, 297, 299, 300,
301 AND 303.

RECEIVED
MAR 14 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-10-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 301 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 3, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #301
Permit #B-214274

This petition is filed by the adjacent property owner at 4422 Camellia Road challenging the building permit as referenced. Since there is no advertising, the permit applicant must be notified of this hearing. The applicant's address is on the enclosed permit printout.

MJK:scj

MICROFILMED

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
4422 Camellia Road, N/S Camellia Road, *
310' NW of c/l Gardenia Road, 11th * ZONING COMMISSIONER
Election District, 5th Councilmanic * OF BALTIMORE COUNTY
Legal Owner: Thomas O. Frech *
Thomas L. Sargent * CASE NO. 95-304-SPH
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Sargent, 4420 Camellia Road, Baltimore, MD 21236, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

TIME: 16:17:35 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/07/95
DATE: 03/02/95 GENERAL PERMIT APPLICATION DATA PLC 12:47:41

PERMIT #: B214274 PROPERTY ADDRESS
RECEIPT #: A231621 4422 CAMELLIA RD
CONTROL #: NR SUBDIV: BROOKHURST
XREF #: B214274 TAX ACCOUNT #: 2100009783 DISTRICT/PRECINCT 11 09

OWNERS INFORMATION (LAST, FIRST)
FEE: 221.00 NAME: FRECH HOMES, INC.
PAID: 221.00 ADDR: 5024 CAMPBELL BLVD., STE. M, 21236
PAID BY: APPL.

DATES APPLICANT INFORMATION
APPLIED: 10/05/94 NAME: WILLIAM DRYER
ISSUED: 10/20/94 COMPANY: FRECH HOMES, INC.
OCCFNCY: ADDR1: 5024 CAMPBELL BLVD., STE. M
ADDR2: BALTIMORE, MD. 21236

INSPECTOR: 11R PHONE #: 931-4670 LICENSE #:
NOTES: COP/VLC PERMIT SUSPENDED BY JRR PER ZONING 1/20/95 DAS
SUSPENSION LIFTED BY RSW PER ZONING 2/7/95 DAS

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELFTE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY
PANEL BP1004M

→ Notify applicant
of building permit
of hearing date
(no advertising)

TIME: 16:17:51 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/20/94
DATE: 03/02/95 BUILDING DETAIL 1 PLM 08:51:15

PERMIT # B214274 TRACT: BLOCK:
PLANS: CONST PF PLOT 7 PLAT 0 DATA 0 EL 1 PL 1
TENANT
BUILDING CODE: 2 CONTR: FRECH HOMES, INC.
IMPRV 1 ENGR:
USE 01 SELLR:

FOUNDATION BASE WORK: PF#93-441-94. "PORTCHESTER". CONSTRUCT SFD
2 1 W/TWO CAR GARAGE & FIREPLACE. OUTSIDE
CONSTRUC FUEL SEWAGE WATER PROJECTION NOT TO EXCEED 4X10. 5 BEDROOMS
2 3 1E 1E 44'4"X42'X34'=4055SF NO SIDE WINDOWS.
CENTRAL AIR 1
ESTIMATED COST
85,000.00 PROPOSED USE: SFD
OWNERSHIP: 1 EXISTING USE: VACANT LOT
RESIDENTIAL CAT: 1
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: 5 PASSWORD:

ENTER -- NEXT DETAIL PF2 -- APPROVALS PF7 -- PREV. SCREEN PF9 -- SAVE
PF1 -- GENERAL PERMIT PF3 -- INSPECTIONS PF8 -- NEXT SCREEN CLEAR -- MENU
PANEL BP1005M

TIME: 16:18:04 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/20/94
DATE: 03/02/95 BUILDING DETAIL 2 PLM 08:51:15

PERMIT #: B214274 BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR: 4055 SIZE: .219AC
WIDTH: 44'4" FRONT STREET:
DEPTH: 42 SIDE STREET:
GARAGE DISP: Y HEIGHT: 34 FRONT SETB: 20
POWDER ROOMS: 0 STORIES: 2&BA SIDE SETB: 5/30
BATHROOMS: 2 SIDE STR SETB:
KITCHENS: 1 REAR SETB: 45
LOT NOS: 10
CORNER LOT: N

ZONING INFORMATION ASSESSMENTS
DISTRICT: BLOCK: LAND: 0047640.00
PETITION: SECTION: IMPROVEMENTS: 0000000.00
DATE: LIBER: 006 TOTAL ASS.:
MAP: FOLIO: 124
CLASS: 04

PLANNING INFORMATION

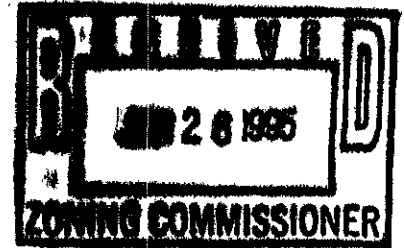
MSIR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER -- NEXT DETAIL PF2 -- APPROVALS PF7 -- PREV. SCREEN PF9 -- SAVE
PF1 -- GENERAL PERMIT PF3 -- INSPECTIONS PF8 -- NEXT SCREEN CLEAR -- MENU

*Settles
Please File
Tmk*

To: Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
and
Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

From: Mr. Thomas Sargent
4420 Camellia Road
Baltimore, MD. 21236



June 21, 1995

Re: Case Nos. 95-304-SPH and 95-311-A , and SECOND AMENDED ORDER concerning the same.

I have received a copy of the Second Amended Order denying a variance request to allow full sized windows to be installed when the windows would be only 30 feet from the tract boundary instead of the required 35 feet. This order was issued May 31, 1995.

In spite of this order the work on the house in and around the subject windows has continued. The full size windows remain installed. A stop and desist order was posted after Mr Walters complained, and then taken down mid-day Sunday by someone other than a County Official. Dry wall material has been installed around the subject windows and finished. Other work is proceeding at the jobsite including instillation of wood trim.

Clearly Mr. Frech intends to continue to flaunt the rules of the County even though he knows that he is in violation.

Are you going to allow him to continue the work and then claim that it would be an economic hardship to replace them? Why is the stop work order not being enforced?

Your attention in this matter will be appreciated.

Thomas Sargent

Thomas Sargent

MAIL BOX
LOCATION
LOTS 8-12
BLK B

16'
PAV.
3

95-304-SP4

LOBELIA RD.

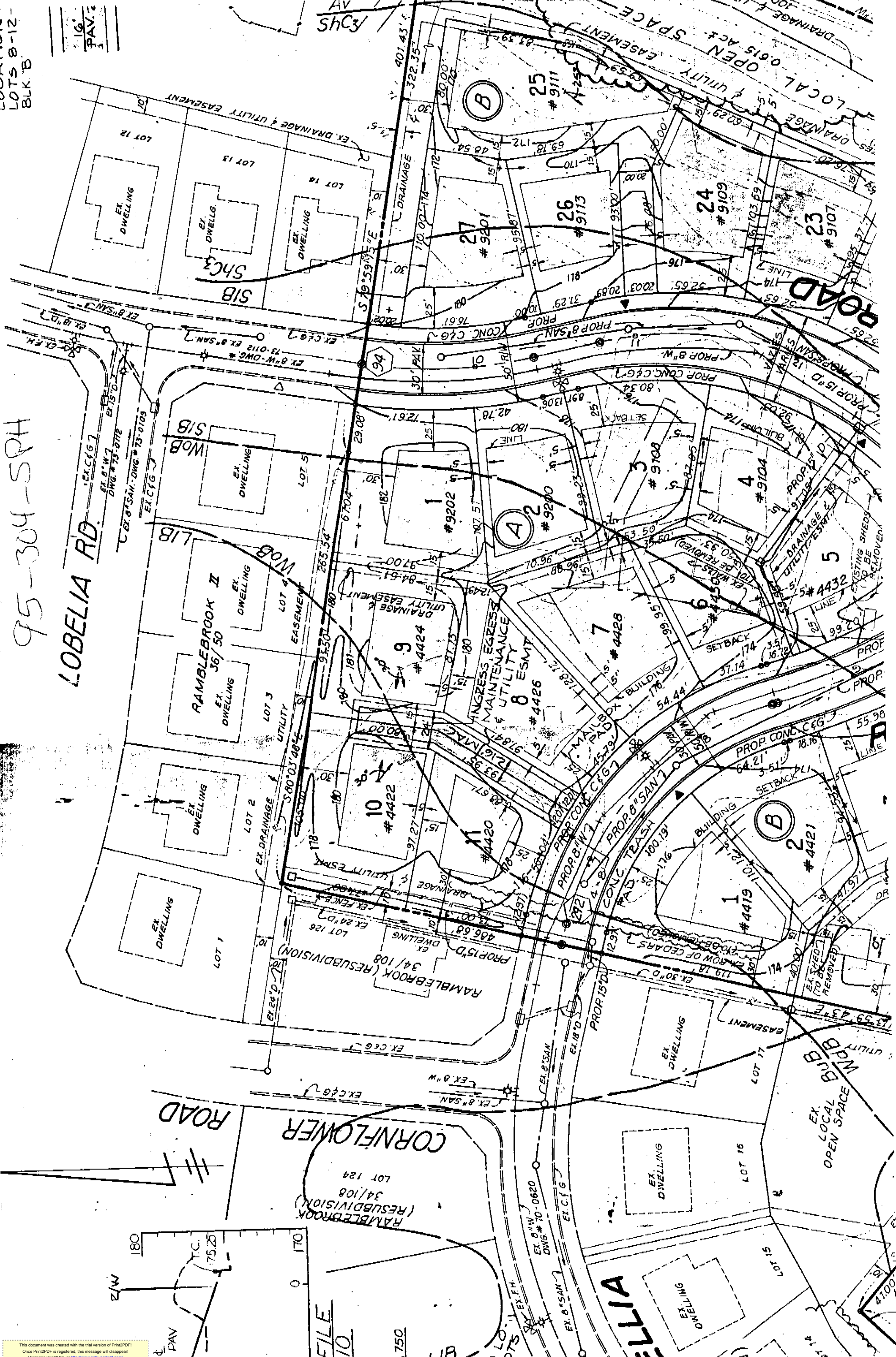
ROAD

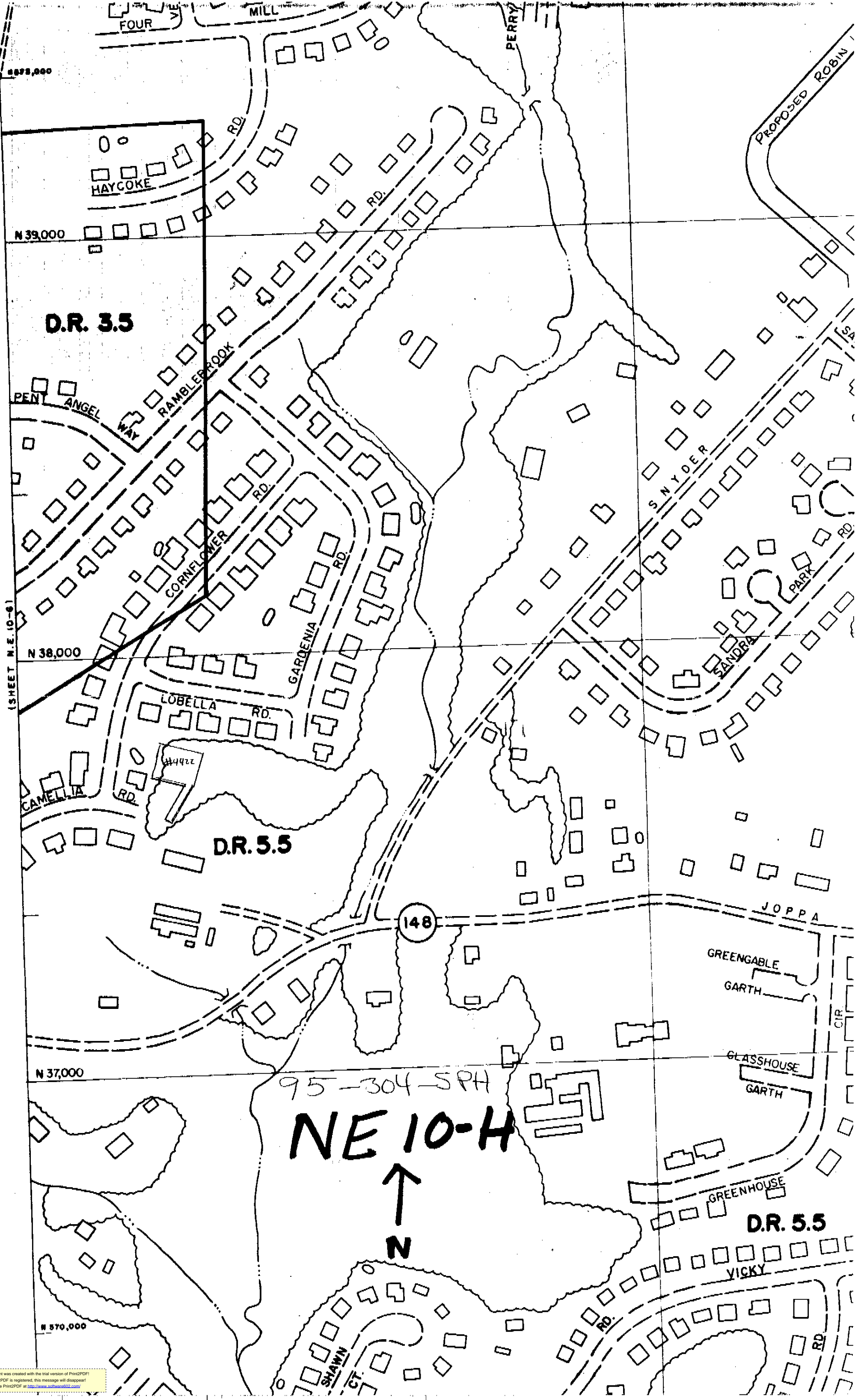
CORNFLOWER

W.B. LOCAL OPEN SPACE

ROAD

ELIA





D.R. 3.5

D.R. 5.5

NE 10-H

N

D.R. 5.5

(SHEET N.E. 10-6)

4878,000

N 39,000

N 38,000

N 37,000

N 370,000

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, * DEPUTY ZONING COMMISSIONER
310' NW of the c/l Gardenia Road * (4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case Nos. 95-304-SPH and
Thomas L. Sargent and * 95-311-A
Thomas O. Frech - Petitioners *

SECOND AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the Brookhurst community in Perry Hall. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) was applicable to the subject property, or if Building Permit No. B-214274 which had been issued to the property owner, Thomas O. Frech, for a proposed dwelling on the subject site was in compliance with applicable zoning regulations, policies or the C.M.D.P. The owner of the property simultaneously filed a Petition for Variance in Case No. 95-311-A seeking a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit development of the subject property in accordance with Building Permit No. B-214274 and the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

WHEREAS, a public hearing was held on April 10, 1995 at which numerous individuals appeared in opposition to the Petition for Variance filed by the owner of the property. Inasmuch as the property owner had filed a Petition for Variance, and in view of the opposition expressed at

the hearing, the Petition for Special Hearing was dismissed as moot, and the Petition for Variance was denied by my Order issued April 25, 1995.

Thereafter, Counsel for the property owner filed a Motion for Reconsideration in Case No. 95-311-A, and requested approval of the previously requested variance from Section 1B01.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet which would allow a full-sized window to be placed on the north side of the proposed dwelling, opposite the Protestant's home and facing a wooded buffer area. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing. While the testimony of the residents in this community was clear that they are adamantly opposed to a variance being granted for windows on Mr. Sargent's side of the proposed dwelling, I believed the granting of a variance for the window on the tract boundary side met the spirit and intent of the zoning regulations and would not result in any detriment to the health, safety or general welfare of the surrounding locale. By Amended Order dated May 17, 1995, the Motion for Reconsideration was granted.

Subsequent to the issuance of my Amended Order, I received letters from the adjoining property owners on both sides of the subject site, namely, Mr. Thomas Sargent and Mr. G. F. Walter, both of whom voiced strong opposition to the variance granted by my Amended Order. Furthermore, it was apparent from the tone of the letters submitted that these residents have a strong dislike for the builder of this house. As noted in their correspondence, the variance requested for this window is a matter of

preference and not a necessity and compliance with the B.C.Z.R. should be maintained. At the time the Amended Order was granted, I believed that there was no opposition to the window that faced the tract boundary, which is the side of the house farthest removed from the Protestant's home.

After due consideration of the arguments presented in the Protestants' correspondence, it is clear that I must reconsider my decision in the Amended Order and am compelled to rescind the relief granted in same.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby RESCINDED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be DENIED; and,

IT IS FURTHER ORDERED that there shall be no further reconsiderations in this matter.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236
Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kempske, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, * DEPUTY ZONING COMMISSIONER
310' NW of the c/l Gardenia Road * (4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case Nos. 95-304-SPH and
Thomas L. Sargent and * 95-311-A
Thomas O. Frech - Petitioners *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

dwelling on the subject property, in accordance with the site plan submitted into evidence as Petitioner's Exhibits 1.

WHEREAS, a public hearing was held on April 10, 1995 at which the legal owner of the property and Petitioner in Case No. 95-311-A, the adjoining property owner and Petitioner in Case No. 95-304-SPH, and numerous other residents appeared and testified. Inasmuch as the property owner had filed a Petition for Variance, the Petition for Special Hearing was dismissed as moot; however, the Petition for Variance relief was denied by my Order issued April 25, 1995.

WHEREAS, subsequent to the issuance of my Order, Counsel for the property owner filed a Motion for Reconsideration as to the Petition for Variance filed in Case No. 95-311-A, and requested approval of the variance relief sought from Section 1B01.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing.

After due consideration of the argument presented, and a review of the case file, I am persuaded to grant the Motion for Reconsideration. It is to be noted that the Protestant in this matter enjoys a full-sized window on the side of his dwelling facing a tract boundary. Furthermore, the relief requested for the proposed dwelling is on the tract boundary side of the property facing a wooded buffer area between this development and an adjacent subdivision. While the testimony of the other residents in this community was clear that they are adamantly opposed to any variance

being granted for this property, the relief requested is for a window on the side of the dwelling not facing another adjoining residence. It appears that the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding locale and should therefore be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236
Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
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Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, * DEPUTY ZONING COMMISSIONER
310' NW of the c/l Gardenia Road * (4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case Nos. 95-304-SPH and
Thomas L. Sargent and * 95-311-A
Thomas O. Frech - Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

dwelling on the subject property. This property and relief sought are more particularly described on the site plans submitted in the respective cases, which were marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition for Special Hearing were Thomas L. Sargent, adjoining property owner, his attorney, Anthony J. DiPaula, Esquire, and numerous other residents of the surrounding community. Appearing on behalf of the Petition for Variance were Thomas O. Frech, legal owner of the property, his attorney, David Meadows, Esquire, and Rick Chadsey, Professional Engineer with George W. Stephens, Jr. & Associates, Inc. Also appearing on behalf of the Petition for Variance were the Contract Purchasers, Ms. Marie McCoy and Mr. Jasper Johnson.

At the onset of the hearing on these matters, a discussion ensued as to whether the Petition for Special Hearing was necessary, given the fact that the owner of the property filed the Petition for Variance seeking relief from the same regulations that Mr. Sargent argues are applicable to this property. It was subsequently determined that the Petition for Variance would address the issues raised within the Petition for Special Hearing and as such, the Petition for Special Hearing was no longer necessary and would be dismissed as moot. The hearing then proceeded on the Petition for Variance.

Appearing and testifying in support of the Petition for Variance was Mr. Rick Chadsey, Professional Engineer. Testimony and evidence offered revealed that the subject property consists of 0.219 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioner wishes to develop the site with a single family dwelling in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1. The proposed dwelling will be a two-story home with an attached two-car

garage. Because the Contract Purchasers desire windows on the sides of the dwelling, the requested variances are necessary. More specifically, the Contract Purchasers want full-sized windows, including a bay window, on the south side wall of the dwelling facing Mr. Sargent's home. Testimony indicated that at the present time, only small windows, the sill of which will be located 5 feet above the floor in any given room on the south wall of this dwelling, are permitted. Apparently, as Mr. Chadsey testified, the C.M.D.P. regulations which were in effect from 1971 to 1992 and are applicable to this subdivision, do not permit full-sized windows to exist on the sides of this home, given its close proximity to the property line and the home of the adjoining owner. Testimony indicated that the dwelling itself meets all other setback requirements. However, in order to install the full-sized windows desired by the Contract Purchasers, the variances are necessary in order to proceed with development.

Appearing in opposition to the relief requested was the adjoining property owner, Mr. Thomas Sargent, who resides immediately adjacent to the site at 4420 Camellia Road. Mr. Sargent testified that he is adamantly opposed to full-sized windows being installed in the south wall of the proposed dwelling in that they would directly infringe upon the privacy he currently enjoys in his home. The site plan entered into evidence as Petitioner's Exhibit 1 shows that the rear of Mr. Sargent's home is located 20 feet from his rear property line, which is the side property line shared with the subject property. Mr. Sargent testified that the most useable living space is located in the rear of his home, that is the family room, a bathroom, etc., which have full-sized windows. He believes that full-sized windows in the proposed dwelling would allow those resi-

- 3 -

dents to have a direct view into the rear of his home, which would be a gross intrusion into his privacy.

Furthermore, Mr. Sargent testified that no other homes in the Brookhurst subdivision contain full-sized windows in the sides. In fact, Mr. Sargent asked Mr. Frech whether he could have full-sized windows in his own home at the time of construction and was told that he could not. In addition, other neighborhood residents testified that they were denied the privilege of having full-sized windows on the sides of their homes. The corroborative testimony of the Protestants was that they would like to see the same rules and regulations applied to the subject property as was applied to their respective properties. Clearly, all of the residents in attendance were adamantly opposed to full-sized windows being permitted in the side walls of the proposed dwelling.

After due consideration of the testimony and evidence offered by both the Petitioners, the residents who reside in this community, and the Contract Purchasers of the subject lot, it appears the relief requested must be denied. I find that the Petitioners have failed to satisfy the burden imposed upon them in order to grant the variance. It was clear from the testimony that the desire for full-sized windows on the sides of the proposed dwelling is not out of necessity but is more of a matter of preference. Furthermore, there was no evidence or testimony offered to substantiate or justify the granting of a variance for full-sized windows on the south side of the subject dwelling.

It should also be noted that subsequent to the hearing in this matter, Counsel for the Petitioner submitted a request for withdrawal of the window to window setback of 20 feet in lieu of the required 40 feet to permit full-sized windows in the sides of the dwelling, and the window to

- 4 -

lot line setback of 5 feet in lieu of the required 15 feet for the proposed bay window on the south side of the dwelling. It is clear that the Petitioners have requested a withdrawal of these two variances in an effort to ease tensions in the neighborhood. However, the testimony and evidence offered by all of the residents who appeared in opposition to this request was clear that they are opposed to the granting of any variances in this matter. Furthermore, as noted above, there was insufficient testimony or evidence offered to prove that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship for the Petitioners. Therefore, the relief requested in the Petition for Variance must be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

- 5 -

requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1801.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1801.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed dwelling on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance

- 6 -

with applicable zoning regulations, policies or the C.M.D.P., be and is hereby DISMISSED AS MOOT.

TMK:bjjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

April 25, 1995

(410) 887-4386

David Meadows, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Camellia Road, 310' NW of the c/l Gardenia Road
(4422 Camellia Road)
11th Election District - 5th Councilmanic District
Thomas L. Sargent and Thomas O. Frech - Petitioners
~~Phone: 410-630-6887 and 95-311-A~~

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed as moot and the Petition for Variance denied has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire,
Covehey & Boomer, 604 Bosley Avenue, Towson, Md. 21204

Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236
Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kempeke, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9230 Gardenia Road, Baltimore, Md. 21236

People's Counsel; File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 4422 Camellia Road
which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.2 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve Review the permit number B214274 issued to the above property. At issue is whether Section V.B.6.c, C.M.D.P. is applicable or if the permit is in compliance with applicable zoning regulations, policies or C.M.D.P.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

After the ordinary election and within the period of thirty (30) days after the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s) Applicant/Petitioner

THOMAS L. SARGENT

(Type or Print Name)

Thomas L. Sargent

Signature

(Type or Print Name)

Signature

4420 CAMELLIA RD

Address

Baltimore MD

City

State

Zipcode

Name, address and phone number of representative to be contacted

4420 CAMELLIA RD

Address

Baltimore MD

City

State

Zipcode

Name, address and phone number of representative to be contacted

4420 CAMELLIA RD

Address

Baltimore MD

City

State

Zipcode

Name, address and phone number of representative to be contacted

4420 CAMELLIA RD

Address

Baltimore MD

City

State

Zipcode

ITEM #301

95-304-SRH

ZONING DESCRIPTION

4422 Camellia Road

Beginning on the north side of Camellia Road, 50 feet wide, at the distance of 310 feet northwest of the centerline of Gardenia Road. Being lot 10 of the Final Development Plan of Brookhurst, Section Two. Also known as 4422 Camellia Road, containing .20 acres +/- in the 11th Election District, 5th Councilmanic District.

receipt
95-304-SR
Date 3/2/95
#50.00
02402R0007N1CHRC
\$50.00
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
March 17, 1995
NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 95-304-SPH (Item 301)
4422 Camellia Road
W/S Camellia Road, 310' W of c/l Gardenia Road
11th Election District - 5th Councilmanic
Petitioner/Protestant: Thomas L. Sargent
HEARING: MONDAY, APRIL 10, 1995 at 9:00 a.m. in Room 118 Old Courthouse.
Special Hearing to review the permit number B-214274 issued to 4422 Camellia Road to determine whether Section V.B.6.c, CMP is applicable or if the permit is in compliance with applicable zoning regulations, policies or CMP.
Arnold Jablon
Director
cc: Thomas L. Sargent
Frech House Inc.
David Meadows, Esq.
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.
Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
March 29, 1995
Mr. Thomas L. Sargent
4422 Camellia Road
Baltimore, Maryland 21236
RE: Item No.: 301
Case No.: 95-304-SPH
Petitioner: T. L. Sargent
Dear Mr. Sargent:
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).
Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor
WCR/jw
Attachment(s)
Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning
DATE: March 22, 1995
SUBJECT: 4422 Camellia Road
INFORMATION:
Item Number: Combined Comments Item Nos. 301 & 311
Petitioner: Frech/Sargent
Property Size: .219 acre
Zoning: D.R.- 5.5
Requested Action: Special Hearing and Variance
Hearing Date: / /
SUMMARY OF RECOMMENDATIONS:
Mr. Thomas L. Sargent has filed a Special Hearing to determine whether permit number B214274 (building permit for 4422 Camellia Road) meets applicable zoning regulations and the policies of the CMP. The owner of the lot, Thomas G. Frech, has filed a Variance to address the issues raised by Mr. Sargent; therefore, no comment is offered regarding the Special Hearing.
However, regarding the requested Variance, it is clear that the petitioner will need to satisfy the burden imposed upon him to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.
Prepared by: Jeffrey W. Long
Division Chief: Cheryl Kiser
PK/JL
ITEM311/PZONE/TXTJWL
Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 20, 1995
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for March 20, 1995
Items 297, 299, 301, 302 and 303
The Developers Engineering Section has reviewed the subject zoning item and we have no comments.
BWB:ew

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 3/13/95
DATE: 3/29/95
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:
Item #'s: 296
298
299
300
301
LS:sp
LETTY2/DEPRM/TXTSPB

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21286-5500
(410) 887-4500
DATE: 03-10-95
Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105
RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF MAR. 13, 1995.
Item No.: SEE BELOW
Zoning Agenda:
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 296, 297, 299, 300, 301 AND 303.
RECEIVED
MAR 14 1995
ZADM
REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File
Printed with Soybean Ink
on Recycled Paper

Maryland Department of Transportation
State Highway Administration
O. James Lighthizer
Secretary
Hal Kassoff
Administrator
3-10-95
Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Baltimore County
Item No. 301 (MJK)
Dear Ms. Watson:
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.
Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.
Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division
BS/
My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

DATE: March 3, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #301
Permit #B-214274

MJK:scj

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
4422 Camellia Road, W/S Camellia Road,	*	
310' NW of c/l Gardenia Road, 11th	*	ZONING COMMISSIONER
Election District, 5th Councilmanic		
Legal Owner: Thomas O. Frech		OF BALTIMORE COUNTY
Thomas L. Sargent		CASE NO. 95-304-SPH
Petitioner		
* * * * *	* * * * *	

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Charles S. Emilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Sargent, 4420 Camellia Road, Baltimore, MD 21236, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PERMIT #: R31-2274 PROPERTY ADDRESS
 RECEIPT #: A231624 4422 CAMPBELL RD
 CONTROL #: NR SURVID: BROOKHURST
 XREF #: R1-4274 TAX ACCOUNT #: 2100099783 DISTRICT/PRECINCT 11 09
 OWNERS INFORMATION (LAST, FIRST)
 FEE 221.00 NAME: FRESH HURDS, INC.
 PAID 221.00 ADDR: 5624 CAMPBELL BLVD., STE. M, 21236
 PAID BY APPL.
 DATES APPLICANT INFORMATION
 APPLIED: 10/05/94 NAME: WILLIAM DYER
 ISSUED: 16/20/94 COMPANY: FRESH HURDS, INC.
 ADENY: 10/21/94 ADDR1: 5624 CAMPBELL BLVD., STE. M
 ADDR2: BALTIMORE, MD. 21236
 INSPECTOR: 11R PHONE #: 931-4670 LICENSE #
 NOTES: COV-ULFV PERMIT SUSPENDED BY JWR PER ZONING 1/20/95 DSA
 SUSPENSION LIFTED BY RSW PER ZONING 2/17/95 DSA
 PASSWORD

Notified applicant at building permit date (no advertisement)

```

ENTER - PERMIT DETAIL      PF3 - INSPECTIONS      PF7 - DELETE      PF9 - SAVE
PF2 - APPROVALS           PF4 - ISSUE PERMIT      PF8 - NEXT PERMIT
TIME: 16:47:55            AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94
DATE: 03/02/95            BUILDING DETAIL 1      PLM      BLOCK:
                                TRACT      DATA 0      EL 1      PL 1
PERMIT # B214278          PLANS: CONST PP      PLOT 7      PLAT 0
                                TENANT
BUILDING CODE: 2          CONTR.      FRESH HOMES, INC.
IMPRV 1                  ENGR.
USE 01                   SELLER
FOUNDAION BASE          AREA      PF193-441-94. *FURTCHESTER*. CONSTRUCT SFD
2                          2          11/10 CAR GARAGE & FIREPLACE. OUTSIDE
CONSTRUCT FUEL STORAGE   WATER          PROJECTION NOT TO EXCEED 4X10. 5 BEDROOMS
2      3      1E      1E      14'-0"X40'X34'-0055500 NO SIDE WINDOWS.
FOUNDAION BASE          AREA
2                          2
CONSTRUCT FUEL STORAGE   WATER
2      3      1E      1E
FOUNDAION BASE          AREA
2                          2
CONSTRUCT FUEL STORAGE   WATER
2      3      1E      1E

```

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ESTIMATED COST:
45,000.00      PROPOSED USE: 000
OWNERSHIP: 1   EXISTING USE: VACANT LOT
RESIDENTIAL CAT: 1
APTS: 1 FAMIL: 1 FLOO: 1 BED: 1 TOT BED: 1
1 FAMILY BEDROOM: 5      PASSWORD

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ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE
PF4 - GENERAL PERMIT     PF3 - INSPECTIONS     PF8 - NEXT SCREEN      CLEAR - MENU

PANEL BP1005M
LINE: 16:18:00           AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94
DATE: 03/02/95          BUILDING DETAIL 2                      PLM          08:51:15

```

PERMIT :	B014273	PLINDING SIZE	LOT SIZE AND SETBACKS
		FLGFR :	SIZE : 219AC
		WYDTH :	FRONT STREET:
			SIDE STREET:
DECKED FISH :	Y	DEPTH :	20
WATER PUMP :	0	THICK :	5/30
ROOF AREA :		STRUCT :	
FOUNDING :	1		

LOT NO. 10	REAR 521B	45
CORNER LOT N		
LOT 10, 100' WIDE		
BLK 1000	ASSESSMENTS	
NO. 11000	LAND	0047440.00
10000	IMPROVEMENTS	0000000.00
006	TOTAL ASS.	
124		
10000		

LOADING INFORMATION		SUBJECT:		CRIT AREA:		PASSWORD:	
PF1 - PREV. DETAIL	PF2 - GENERAL REPORT	PF3 - APPROVALS	PF4 - INSPECTIONS	PF7 - PREV. SCREEN	PF8 - NEXT SCREEN	PF9 - SAVE CLEAR	PF0 - MENU



95-304-SPH.

1. All lots shown hereon are "for sale" or "for rent". Height of ex. dwelling is less than 20'.
2. Site is 70% wooded. Remainder - light grass.
3. Survey to be provided by the lot owner. (See Note #17).
4. Open space to be owned and maintained by Baltimore County.
5. I.D.P. count shown times 25.
6. Refuse collection to be provided by Baltimore County.
7. There shall be two (2) 5' x 18' parking spaces provided on open lot.
8. Existing spaces shall be used for parking and existing spaces (garage) shall be used for storage.

